

NO. \_\_\_\_\_

IN THE COURT OF CRIMINAL  
APPEALS OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
6/26/2020  
DEANA WILLIAMSON, CLERK

**ROBERT F. HALLMAN,**  
***APPELLANT***

**V.**

**THE STATE OF TEXAS,**  
***APPELLEE***

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*From the Court of Appeals for the Second District of Texas*  
*02-18-00434-CR*

*Appeal in Cause No. 1548964R in Criminal District Court No. 1 of Tarrant  
County, Texas, the Hon. Sheila Wynn presiding over voir dire; the Hon. Keith  
Dean presiding over guilt/innocence; the Hon. Elizabeth Beach presiding over  
pretrial and punishment*

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**MOTION FOR EXTENSION OF TIME**  
**TO FILE STATE'S PETITION FOR DISCRETIONARY REVIEW**

SHAREN WILSON  
TARRANT COUNTY CRIMINAL  
DISTRICT ATTORNEY

JOSEPH W. SPENCE  
Assistant Criminal District Attorney  
Chief, Post-Conviction

SHELBY J. WHITE  
Assistant Criminal District Attorney  
Tim Curry Criminal Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196-0201  
(817) 884-1687  
FAX (817) 884-1672  
State Bar No. 24084086  
[ccaappellatealerts@tarrantcountytexas.gov](mailto:ccaappellatealerts@tarrantcountytexas.gov)

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Pursuant to Texas Rules of Appellate Procedure 10.5(b) and 68.2(c), the State files this unopposed Motion for Extension of Time to File State's Petition for Discretionary Review ("Motion") and in support thereof would show as follows:

### **I. Background**

The trial court is Criminal District Court No. 1 of Tarrant County, Texas, the Hon. Elizabeth Beach, presiding. The style of the case in the trial court is *State v. Robert F. Hallman*. The trial court cause number is No. 1548964R.

Respondent was found guilty of two counts of aggravated sexual assault, three counts of indecency with a child by contact, and one count of sexual assault of a child under 17. [CR 234-40]. Respondent was sentenced to life in prison. Respondent is currently incarcerated.

Respondent timely filed his notice of appeal in the Second Court of Appeals on September 20, 2019, contesting the trial court's denial of his motion for mistrial under *Brady*. [CR 114]. On May 7, 2020, Justice Sudderth, writing the opinion for the panel in the Court of Appeals for the Second District of Texas, reversed and remanded the trial court's order denying the motion for mistrial. *Hallman v. State*, --S.W.3d--, No. 02-18-00434-CR, 2020 WL 2201908 (Tex. App.—Fort Worth May 7, 2020). The State did not file a motion for rehearing or en banc reconsideration.

## **II. Due Date**

The State's Petition for Discretionary Review is currently due on June 8, 2020. The State seeks an additional 30 days to file its petition until July 8, 2020. No previous extension of time has been sought.

## **III. Reason for Extension of Time**

Counsel is actively involved in other pending matters that conflict or potentially conflict with the current deadline, including:

- Briefing in *McBurnett v. State*, No. 02-19-00418-CR, in the Court of Appeals for the Second District of Texas, due on June 26, 2020.

## **IV. Extension Sought in the Interest of Justice**

This extension is not sought for the purpose of delay, but rather is sought in the interest of justice and judicial economy. Granting the Motion will not significantly delay submission of the cause.

## **V. Prayer**

WHEREFORE, PREMISES CONSIDERED, the State requests the Court grant the Motion and extend the time to file the State's Petition for Discretionary Review by thirty (30) days until July 8, 2020.

Respectfully submitted,

SHAREN WILSON  
Criminal District Attorney  
Tarrant County, Texas

JOSEPH W. SPENCE

Assistant Criminal District Attorney  
Chief, Post-Conviction

/s/ SHELBY J. WHITE

SHELBY J. WHITE

Assistant Criminal District Attorney

Tim Curry Criminal Justice Center

401 W. Belknap

Fort Worth, Texas 76196-0201

(817) 884-1687

FAX (817) 884-1672

State Bar No. 24084086

ccaappellatealerts@tarrantcountytexas.gov

### **CERTIFICATE OF CONFERENCE**

On June 1, 2020, the undersigned counsel conferred with Lisa Mullen who has indicated that she does not oppose the Motion.

/s/ SHELBY J. WHITE

SHELBY J. WHITE

### **CERTIFICATE OF SERVICE**

On the 2nd day of June, 2020, a true copy of the State's Motion for Extension of Time to File State's Petition for Discretionary Review has been e-served on the parties below:

Lisa Mullen  
3149 Lackland Road, Suite 102  
Fort Worth, Texas 76116  
[lisa@mullenlawoffice.com](mailto:lisa@mullenlawoffice.com)

State Prosecuting Attorney's Office  
[information@spa.texas.gov](mailto:information@spa.texas.gov)

/s/ SHELBY J. WHITE

SHELBY J. WHITE

### **Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Cynthia Burgess on behalf of Shelby White  
Bar No. 24084086  
COAAppellateAlerts@TarrantCounty.com  
Envelope ID: 43396185  
Status as of 06/26/2020 14:32:45 PM -05:00

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Lisa Mullen		Lisa@mullenlawoffice.com	6/2/2020 10:34:37 AM	SENT
Stacey M.Soule		information@spa.texas.gov	6/2/2020 10:34:37 AM	SENT